IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3769 OF 2007

Shri.Girish Khivraj Gadiya ...Petitioner

Versus

Sou.Sashi Balhara & Ors. ...Respondents

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None present.

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CORAM: A.M.KHANWILKAR, J.

JULY 6, 2007.

P.C.

1. I see no reason to interfere with the discretionary order passed by the Trial Court. This is so because the Petitioner being third party claims to have purchased the suit property from Respondent No.3 herein (original Defendant). The Suit is specifically for relief of declaration that the Agreement executed between the Plaintiff and Defendants is invalid and be set-aside. In such a Suit, where the Petitioner is not privy to the Agreement cannot be said to be a necessary party or a proper party. Accordingly, the application

preferred by the Petitioner for impleadment as Defendant has been rightly rejected. Hence, dismissed for default.

A.M.KHANWILKAR, J.